

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on March 2, 2010.

Mayor Cline led the Pledge of Allegiance.

Mayor Cline presided and called the meeting to order at 6:30 p.m.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Water Treatment Plant Superintendent Jim Lang, Community Development Coordinator Kyle Gill, Deputy Police Chief Adam Weinstock, Fire Chief Tony Nichols, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting February 16, 2010, bills and payroll for the last half of February, 2010.

### **Bills and payroll for the last part of February, 2010**

#### **General Fund**

Payroll		\$	270,276.99
Bills		\$	38,335.45
	Total	\$	308,612.44

#### **Hotel Tax Fund**

Payroll		\$	1,896.15
Bills		\$	7,008.46
	Total	\$	8,904.61

#### **Festival Management**

Bills		\$	2,775.97
	Total	\$	2,775.97

#### **Insurance & Tort Judgment**

Bills		\$	3,672.00
	Total	\$	3,672.00

#### **Capital Project Fund**

Bills		\$	27,645.88
	Total	\$	27,645.88

#### **Broadway East Bus Dist**

Bills		\$	13,028.17
	Total	\$	13,028.17

#### **Water Fund**

Payroll		\$	29,488.18
Bills		\$	27,333.70
	Total	\$	56,821.88

#### **Sewer Fund**

Payroll		\$	32,633.45
Bills		\$	10,783.33
	Total	\$	43,416.78

#### **Cemetery Fund**

Payroll		\$	2,781.15
Bills		\$	277.81
	Total	\$	3,058.96

**Health Insurance**

Bills		\$ 125,179.55
	Total	\$ 125,179.55

**Motor Fuel Tax Fund**

Bills		\$ 7,031.20
	Total	\$ 7,031.20

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for public comments/presentations and non-agenda items. There was no discussion.

Mayor Cline seconded by Commissioner Rankin moved to adopt Special Ordinance 2010-1382, approving the rezoning of property located at the northwest corner of intersection 900 N and 870 E; Mattoon, Illinois from RS, Suburban District to I, Industrial, for the purpose of construction and operating a ready-mix concrete plant. Gary Bartels- Petitioner. [Commonly known as: 9010 N Co Rd 870 E] [Approved by Planning Commission & Zoning Board of Appeals]

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2010-1382**

**ORDINANCE TO APPROVE PETITION FOR REZONING**

**WHEREAS**, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by CONTRACTORS' CONCRETE, INC., Gary Bartels, President, on the 27<sup>th</sup> day of January, 2010 requesting that the City of Mattoon, Illinois rezone from Suburban District (RS) to Industrial District (I) the real estate described as follows:

THE SOUTH 15 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL SITUATED IN LAFAYETTE TOWNSHIP, COLES COUNTY, ILLINOIS.

Also known as 9010 N Co Rd 870E; Mattoon, Illinois.

**WHEREAS**, a public hearing was held before the Zoning Board of Appeals for the City of Mattoon on the 16<sup>th</sup> day of February, 2010 pursuant to published notice;

**WHEREAS**, the Zoning Board of Appeals forwarded the report of the public hearing to the Mattoon Planning Commission;

**WHEREAS**, said Mattoon Planning Commission considered said Petition for Rezoning and recommended the Petition for Rezoning to the Zoning Board of Appeals and the City Council of the City of Mattoon;

**WHEREAS**, said Zoning Board of Appeals considered said Petition for Rezoning and recommended that said Petition for Rezoning be approved;

**WHEREAS**, the City Council believes that said Petition for Rezoning should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Rezoning submitted by CONTRACTORS' CONCRETE, INC. is in compliance with Ordinance No. 96-4835 and is hereby approved and that the premises described in said Petition for Rezoning shall henceforth be zoned as Industrial District (I).

Upon motion by Mayor Cline, seconded by Commissioner Rankin, adopted this 2<sup>nd</sup> day of March, 2010, by a roll call vote as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

APPROVED this 2<sup>nd</sup> day of March, 2010.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 3, 2010.

Mayor Cline opened the floor for Council comments. Commissioner Rankin queried whether the location was across from the asphalt company with a confirmation from the attendees. Mayor Cline opened the floor for public comments with no further comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Resolution 2010-2804, declaring certain parcel of agricultural land located south of the City Water Treatment Plant as surplus; and authorizing the auction of that property.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2010-2804**

**A RESOLUTION DECLARING THAT A CERTAIN PARCEL OF AGRICULTURAL LAND LOCATED SOUTH OF  
THE CITY IS SURPLUS AND AUTHORIZING THE AUCTION OF THAT PROPERTY**

**WHEREAS**, in the early 1980's the City of Mattoon purchased agricultural land south of the Water Treatment Plant at Lake Paradise; and,

**WHEREAS**, since the 1980's the City has not used this ground for anything other than agricultural purposes; and,

**WHEREAS**, the parcel is more fully described as:

A part of Section 8 and a part of Section 9 all in Township 11 North, Range 7 East of the Third Principal Meridian more particularly described as follows:

Commencing at a PK nail marking the northeast corner of the Northwest Quarter of Section 9, Township 11 North, Range 7 East of the Third Principal Meridian (recorded as Monument Record Book 1, Page 282),

Coles County, Illinois; thence azimuth 179 degrees 58 minutes 20 seconds (all azimuths are referenced to the Illinois State Plane Coordinate System East Zone Datum of 1983), along the east line of said Northwest Quarter, 975.37 feet to the Point of Beginning; thence continue azimuth 179 degrees 58 minutes 20 seconds, 883.16 feet along said east line to an iron pin with cap #3140; thence azimuth 270 degrees 00 minutes 12 seconds, 1998.96 feet to an iron pin with cap #3140; thence azimuth 180 degrees 02 minutes 12 seconds, 402.81 feet to an iron pin with cap #3140; thence azimuth 270 degrees 00 minutes 12 seconds, 146.25 feet to an iron pin with cap #3140; thence azimuth 180 degrees 42 minutes 32 seconds, 127.05 feet to an iron pin with cap #1844; thence azimuth 270 degrees 13 minutes 26 seconds, 1369.19 feet along the established line to an existing fence post; thence azimuth 00 degrees 46 minutes 21 seconds, 821.74 feet to an iron pin with cap #3140; thence azimuth 89 degrees 36 minutes 37 seconds, 248.53 feet to an iron pin with cap #3140; thence azimuth 01 degree 05 minutes 11 seconds, 163.53 feet to an iron pin with cap #3140 marking the southeast corner of Lot 99 of Lake Paradise Subdivision as recorded August 19, 2005 in Plat Book 5, Page 204, as Document Number 0683152 at the Coles County Clerk and Recorder's Office; thence azimuth 91 degrees 05 minutes 11 seconds, 30.00 feet to an iron pin with cap #3140 marking the southwest corner of Lot 98 of said Lake Paradise Subdivision; thence azimuth 85 degrees 40 minutes 01 second, 213.79 feet to an iron pin with cap #3140 marking the southeast corner of Lot 98 of said Lake Paradise Subdivision; thence azimuth 358 degrees 11 minutes 54 seconds, 20.34 feet to an iron pin with cap #3140 marking the southwest corner of Outlot 4 of said Lake Paradise Subdivision; thence azimuth 89 degrees 36 minutes 38 seconds, 346.23 feet to an iron pin with cap #3140 marking the southeast corner of Outlot 4 of said Lake Paradise Subdivision; thence azimuth 00 degrees 03 minutes 30 seconds, 535.18 feet along the east line of said Outlot 4 to an iron pin with cap #3140 in the south line of Lot 8 of said Lake Paradise Subdivision; thence azimuth 82 degrees 35 minutes 25 seconds, 55.37 feet to an iron pin with cap #3140 marking the southeast corner of Lot 81 of said Lake Paradise Subdivision; thence azimuth 36 degrees 53 minutes 20 seconds, 413.95 feet to an iron pin with cap #3140 in the southerly right-of-way line of East Lake Paradise Road; thence easterly 102.45 feet along said southerly right-of-way line being a nontangential curve to the left, having a radius of 1430.00 feet, chord azimuth 81 degrees 23 minutes 45 seconds, 102.43 feet to an iron pin with cap #3140 in the west line of Lot 80 of said Lake Paradise Subdivision; thence azimuth 179 degrees 03 minutes 40 seconds, 50.00 feet along said west line to an iron pin with cap #3140 marking the southwest corner of said Lot 80; thence azimuth 97 degrees 45 minutes 29 seconds, 130.51 feet along the south line of said Lot 80 to an iron pin with cap #3140; thence azimuth 88 degrees 06 minutes 18 seconds, 153.00 feet to an iron pin with cap #3140 marking the southeast corner of Lot 79 of said Lake Paradise Subdivision; thence azimuth 80 degrees 21 minutes 24 seconds, 216.00 feet to an iron pin with cap #3140 marking the southeast corner of Lot 76 of said Lake Paradise Subdivision; thence azimuth 89 degrees 02 minutes 04 seconds, 431.33 feet to an iron pin with cap #3140 marking the southeast corner of Lot 73 of said Lake Paradise Subdivision; thence azimuth 180 degrees 00 minutes 53 seconds, 153.94 feet to an iron pin with cap #3140; thence azimuth 88 degrees 49 minutes 44 seconds, 885.87 feet to an iron pin with cap #3140; thence azimuth 180 degrees 09 minutes 26 seconds, 298.75 feet to an iron pin with cap #3140; thence azimuth 135 degrees 49 minutes 43 seconds, 55.25 feet to an iron pin with cap #3140; thence azimuth 91 degrees 49 minutes 15 seconds, 408.74 feet to the Point of Beginning, containing 100.425 acres, more or less, all situated in Paradise Township, Coles County, Illinois.

**WHEREAS**, the parcel is no longer useful or necessary to the City of Mattoon; and

**WHEREAS**, the parcel is situated in unincorporated Coles County and therefore is not covered by any zoning code; and,

**WHEREAS**, the management staff believe it is prudent that the land be sold and the proceeds be used in the General Fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the above described real estate is no longer necessary or required for the use of the municipality and is surplus property.

**Section 2.** The management staff of the municipality is hereby authorized to arrange to have an auction of the property and is hereby authorized to accept the highest reasonable bid at that auction. The terms of the auction shall be 10% of the purchase price paid at the time of the auction with the balance due within 30 days of the auction and the purchaser shall get any farm income from the property and shall be liable for any real estate taxes and special assessments due for tax year 2010. Other sale terms may be the usual and customary terms used by auctioneers in the Mattoon area.

**Section 3.** The City Attorney is authorized to draft and the Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the sale and closing of the sale of this property.

**Section 4.** The City Clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 2nd day of March, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of March, 2010.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:  
/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:  
/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 3, 2010.

Mayor Cline opened the floor for Council comments. Council with input from Attorney & Treasurer Owen and Administrator McLaughlin discussed the appraisal and setting a minimum bid, voiced public comments received on selling the asset, and reviewed the budget deficit and impact on the deficit if the property was not sold. Mayor Cline opened the floor for public comments with no further comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to approve Council Decision Request 2010-1059, approving and accepting a proposal from West & Company, L.L.C. for auditing services in connection with April 30, 2010, April 30, 2011, and April 30, 2012 financial statements in the amounts of \$47,900; \$48,900; and \$49,500 respectively.

Mayor Cline opened the floor for Council discussion. Council with input from Attorney & Treasurer Owen and Administrator McLaughlin discussed the proposals, the \$5,000 difference in proposals, and internal costs associated with changing auditors; and voiced their differing opinions on the proposals. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: NAY Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Gover moved to approve Council Decision Request 2010-1060, awarding bids for 2010 Street Maintenance to:

Earl Walker Co. for Oil in the amount of \$225,990.00;  
Earl Walker Co. for Seal Coat AGG CA-16 in the amount of \$30,225.00;  
Earl Walker Co. for CA-16 Crushed Stone in the amount of \$40,165.00;  
Howell Asphalt for Bit Surface Hot Mix in the amount of \$37,500.00;  
Howell Asphalt for Bit Pre-Mix in the amount of \$19,500.00;  
[10-00000-00-GM]

Mayor Cline opened the floor for Council discussion with no discussion. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1061, awarding the bid to Bartels Construction for the removal and replacement of sidewalks on Western Avenue & 14<sup>th</sup> Street in the amount of \$40,204.15 and on DeWitt Avenue in the amount of \$66,208.39; and authorizing the Mayor to sign the contracts. [07-00160-05-SW & 07-00160-06-SW]

Mayor Cline opened the floor for Council discussion. Council discussed the locations, previous approval for this fiscal year, consideration next year for in-house option, and differing opinions on the project. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, NAY Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1062, approving the bid specifications, and authorizing a competitive solicitation for water chemicals at the Water Treatment Plant, and authorizing the Mayor to sign the documents.

Mayor Cline opened the floor for Council discussion with no discussion. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1063, approving a \$2,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Youth Wrestling Booster Club, Inc. for hosting the 2010 IKWF Central Section Regionals on February 27, 2010.

Mayor Cline opened the floor for Council discussion with no discussion. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2010-1064: Approving a \$4,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Hit Men Baseball for hosting three events:

May 8-9, 2010 (Ages 11 & Under); and,  
May 14-16, 2010 (Ages 9 & Under; and 10 & Under).

Mayor Cline opened the floor for Council discussion with no discussion. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1065, approving the purchase of storm sewer pipe from a HD Supply of Washington, Illinois quote in the amount of \$11,400 for the 27<sup>th</sup> Street and Charleston Avenue Storm Sewer Project. (09-00181-00-SS)

Mayor Cline opened the floor for Council discussion with no discussion. Mayor Cline opened the floor for public discussion with no further discussion.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to adjourned at 6:52 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien  
City Clerk